

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of)
themselves and all others similarly situated,)
)
) Civil Action No.
Plaintiffs,)
v.)
)
U.S. DEPARTMENT OF EDUCATION and)
Suzanne GOLDBERG, in her official capacity as)
Acting Assistant Secretary for Civil Rights,)
U.S. Department of Education,)
)
Defendants.)

**DECLARATION OF JAYCEN
MARCUS**

I, Jaycen Marcus, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Portland, Oregon, located in Multnomah County.
3. I started attending George Fox University in Newberg, Oregon in August 2012. I left in March 2016 without graduating.
4. I chose George Fox University because I wanted to go to a small college with a more liberal arts focus.
5. George Fox has a “Lifestyle Statement” which states, “In regard to sexual morality, we believe that only marriage between a man and a woman is God’s intention for the joyful fulfillment of sexual intimacy. This should always be in the context of mutual compassion, love, and fidelity. Sexual behaviors outside of this context are inconsistent with God’s teaching. We recognize these principles may conflict with the practice or opinion of some within the larger culture. We are convinced that this is God’s design for providing the most loving guidance and practice for individuals and our community.”
6. GFU’s student handbook states that “George Fox University accepts the biblical standards that prohibit all sexual immorality” and that “we believe the power of God and the wisdom of the Holy Spirit combine to provide the means to live victoriously with respect to sexual purity.”
7. I am a transgender man of open sexuality.
8. When I went to George Fox, coming out was not easy. I did find some support from students, teachers, and staff.

9. George Fox made me feel excluded and not seen for who I was.
10. I dealt with a lot of anxiety and depression as well as not feeling safe as one should be able to in their school.
11. While a student at GFU, I requested to move from female housing and to live with other men after my transition.
12. Living in a female dorm meant that each day, the first thoughts I had were about my struggles living in a body that never felt right to me.
13. Living in female housing while undergoing testosterone therapy was a particular challenge
14. George Fox initially denied my request to live with other men because I am a transgender man.
15. I filed a Title IX complaint with the U.S. Department of Education regarding this housing discrimination.
16. George Fox University requested a religious exemption from the U.S. Department of Education so that they could maintain their discriminatory housing policy while continuing to receive federal funding.
17. The U.S. Department of Education granted GFU's request for a religious exemption and closed my complaint file with the Department as a result of that exemption.
18. GFU currently maintains a policy on transgender students, which states, in part: "Given the varying circumstances of students identifying as transgender, addressing their particular needs will be evaluated on a case-by-case basis, prioritizing the well-being of the individual and community alike."
19. I am participating in this lawsuit because I feel that everyone deserves to have an experience that feels safe and supportive, including with their student housing.
20. I am a federal income taxpayer in the United States. I am also repaying student loans from the U.S. Department of Education that I took out to enroll in George Fox.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 29 day of March, 2021.

By: s/Jaycen Marcus

Jaycen Marcus